



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Employment Security Department

| | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 08-09-049 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) The proposed rule clarifies the conditions under which an individual may voluntarily quit a job to enter into an approved apprenticeship training program.

Hearing location(s):
Employment Security Department
Maple Leaf Conference Room
212 Maple Park
Olympia, Washington

Date: December 10, 2008 Time: 10:00 a.m.

Submit written comments to:
Name: Pamela Ames, ESD Rules Coordinator
Address: Employment Security Department
PO Box 9046, Olympia WA 98507-9046
e-mail pames@esd.wa.gov
fax (360)902-9799 by (date) 12-09-2008

Assistance for persons with disabilities: Contact
Beverly Peterson by 12-09-08
TTY (360) 902-9569 or (360) 902-92334

Date of intended adoption: December 15, 2008
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule implements SSB 6751, adopted by the 2008 Legislature, which establishes good cause for individuals who voluntarily quit a job to enter into an approved apprenticeship training program. Existing rules are not affected.

Reasons supporting proposal: The rule provides guidance to agency staff, workers, and employers concerning the criteria the department will use to determine if the worker has established good cause for leaving work to enter an approved apprenticeship training program.

Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, and RCW 50.20.010

Statute being implemented: RCW 50.20.050(2)(b)(xi)

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

CODE REVISER USE ONLY

DATE
10-8-08

NAME (type or print)
Karen T. Lee

SIGNATURE

TITLE
Commissioner

1:05
08-21-08

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Employment Security Department

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|------------------------------|-------------------------|----------------|
| Drafting..... Juanita Myers | 212 Maple Park, Olympia | (360) 902-9665 |
| Implementation....Nan Thomas | 212 Maple Park, Olympia | (360) 902-9303 |
| Enforcement..... Nan Thomas | 212 Maple Park, Olympia | (360) 902-9303 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No. Explain why no statement was prepared.

The proposed rule does not create or modify any eligibility requirements for receiving unemployment benefits. Any increase in costs to employers as a result of permitting claimants to quit work with good cause are a result of the underlying legislation, not the proposed rule. In addition, employers who pay unemployment taxes are automatically non-charged for benefits paid to former employees under the amended statute.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No: Please explain: The rule is not a significant legislative rule as defined by RCW 34.05.328.

NEW SECTION

WAC 192-150-160 Entering approved apprenticeship training—RCW 50.20.050(2)(b)(xi). (1) **Effective date.** RCW 50.20.050(2)(b)(xi) and this section apply to job separations that occur on or after June 12, 2008.

(2) **Application.** This section applies only if you quit work to enter into related/supplemental (classroom) instruction that is part of an apprenticeship program. If you quit work to begin employment for an employer who is a party to an apprenticeship agreement, the department will review the separation under RCW 50.20.050(2)(b)(i) and WAC 192-150-050 to determine if you left work to accept a bona fide job offer.

(3) **Definitions.** For purposes of this chapter:

(a) “To enter” means to begin participation in the apprenticeship program.

(i) The term “to enter” includes:

(A) Apprentices who accept temporary work with an employer who is not a party to the apprenticeship agreement and quit work to re-enter training.

(B) Apprentices who quit work for a participating employer to enter a different apprenticeship program.

(ii) The term “to enter” does not include:

(A) Claimants applying for an apprenticeship program who at the time of quitting work are not enrolled in apprenticeship or pre-apprenticeship training. Their eligibility for benefits will be reviewed under RCW 50.20.050(2).

(B) Current apprentices who temporarily stop work for a participating employer to attend related/supplemental instruction that is a required component of their apprenticeship agreement. Claimants in this situation are considered to be on temporary layoff from work. Their eligibility for commissioner approved training will be reviewed under WAC 192-200-020(3).

(b) “Active participation” means attending classes or engaging in other activities that are part of the related/supplemental instruction.

(c) The terms “apprentice,” “apprenticeship agreement,” “apprenticeship program,” “approved,” and “related/supplemental instruction” have the meanings described in WAC 296-05-003.

(4) **Establishing good cause.** If you quit work to enter an apprenticeship program, you will have good cause within the meaning of RCW 50.20.050(2)(b)(xi) if you satisfactorily demonstrate that:

(a) You are entering an apprenticeship program approved by the Washington state apprenticeship training council;

(b) Prior to leaving work, you had a confirmed start date for related/supplemental instruction; and

(c) You continued in your employment for as long as was reasonably consistent with whatever arrangements were necessary to begin the related/supplemental instruction. In any event, you will not be eligible for benefits until the week prior to the week the related/supplemental instruction begins.